

ESTTA Tracking number: **ESTTA204317**

Filing date: **04/11/2008**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Alpha 6 Distributions LLC
Granted to Date of previous extension	04/12/2008
Address	25 W. 36th Street New York, NY 10018 UNITED STATES
Attorney information	Mario Aieta Satterlee Stephens Burke & Burke LLP 230 Park Avenue New York, NY 10169 UNITED STATES maieta@ssbb.com Phone:212 818 9200

Applicant Information

Application No	78688445	Publication date	02/12/2008
Opposition Filing Date	04/11/2008	Opposition Period Ends	04/12/2008
Applicant	David H. Brown, dba Alliance Skateboards 18082 FIELDBURY LANE HUNTINGTON BEACH, CA 92647 UNITED STATES		

Goods/Services Affected by Opposition

Class 025. First Use: 1999/03/08 First Use In Commerce: 1999/03/08
All goods and services in the class are opposed, namely: CLOTHING, NAMELY, T-SHIRTS, SWEAT SHIRTS, CAPS, AND SHOES

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Mark Cited by Opposer as Basis for Opposition

U.S. Registration No.	3026496	Application Date	09/12/2003
Registration Date	12/13/2005	Foreign Priority Date	NONE
Word Mark	ALLYANCE		
Design Mark			
Description of	NONE		

Mark	
Goods/Services	<p>Class 025. First use: First Use: 2004/01/00 First Use In Commerce: 2004/01/00 MEN'S, WOMEN'S AND CHILDREN'S CLOTHING AND APPAREL, NAMELY, SKI JACKETS, ONE-PIECE SKI SUITS, SKI PANTS; SWEATERS, HATS, SHORTS, PANTS, T-SHIRTS, KNIT SHIRTS, INSULATED BOMBER JACKETS, PARKAS, UNFILLED SHELL JACKETS, DOWN-FILLED JACKETS, INSULATED PANTS AND SHELL PANTS; NAMELY, DOWN-FILLED JACKETS AND POLYESTER-FILLED JACKETS; SKIWEAR, NAMELY, BOOTS, GLOVES AND HEADWEAR; INCLEMENT WEATHER AND SKI APPAREL, NAMELY, JACKETS, PANTS, BIB OVERALLS AND SHIRTS; SHORTS; SWIMWEAR</p> <p>Class 028. First use: First Use: 2004/01/00 First Use In Commerce: 2004/01/00 SURFBOARD BAGS, SNOWBOARD BAGS</p>

Attachments	08 04 11 Notice of Opposition to ALLIANCE SKATEBOARDS.pdf (7 pages) (31803 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by Overnight Courier on this date.

Signature	/Mario Aieta/
Name	Mario Aieta
Date	04/11/2008

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Application Serial No. 78/688,445
Mark: ALLIANCE SKATEBOARDS

ALPH6 6 DISTRIBUTIONS, LLC,	-----X	
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	:	
Opposer,	:	
	:	
v.	:	
	:	
DAVID H. BROWN,	:	
	:	
Applicant.	:	
	:	
	-----X	

NOTICE OF OPPOSITION

Opposer, Alpha 6 Distributions LLC, a New York limited liability company located and doing business at 25 West 36th Street, 6th Floor, New York, NY 10018 (“Opposer”), believes that it would be damaged by the issuance of a registration for the trademark ALLIANCE SKATEBOARDS as applied for in Application Serial No. 78/688,445 by David H. Brown and therefore opposes the same. As grounds for its opposition, Opposer, by its attorneys Satterlee Stephens Burke & Burke LLP, alleges as follows:

1. Since at least as early as 2004, and prior to any date upon which Applicant can rely, Opposer, through its predecessors and licensees, has used the mark ALLYANCE in connection with men's, women's and children's clothing and apparel, and is continuing to do so. Opposer has invested a substantial amount of time, effort and money in promoting Opposer's ALLYANCE trademark. As a result, Opposer's ALLYANCE trademark has become distinctive of Opposer's goods and has come to represent significant goodwill for Opposer.

2. Opposer owns Reg. No. 3,026,496 for ALLYANCE for “men's, women's and children's clothing and apparel, namely, ski jackets, one-piece ski suits, ski pants; sweaters, hats, shorts, pants, t-shirts, knit shirts, insulated bomber jackets, parkas, unfilled shell jackets, down-filled jackets, insulated pants and shell pants; namely, down-filled jackets and polyester-filled jackets; skiwear, namely, boots, gloves and headwear; inclement weather and ski apparel, namely, jackets, pants, bib overalls and shirts; shorts; swimwear” in Class 25 and “surfboard bags, snowboard bags” in Class 28, based on use in commerce since 2004. This registration is valid and subsisting.

3. A current printout of information from the electronic database records of the USPTO showing the current status and title of U.S. Registration No. 3,026,496 is attached hereto as Exhibit 1.

4. On August 9, 2005, Applicant filed the application at issue to register the mark ALLIANCE SKATEBOARDS, in Class 25 for “clothing, namely, t-shirts, sweat shirts, caps, and shoes” and in Class 28 for “skateboards, skateboard trucks, and skateboard decks.”

5. Although applicant claims a first use date of March 3, 1999, for use of the mark ALLIANCE SKATEBOARDS in connection with “clothing, namely, t-shirts, sweat shirts, caps, and shoes,” upon information and belief Applicant did not use the mark ALLIANCE SKATEBOARDS on shoes until after 2004 and Applicant has never used the mark ALLIANCE SKATEBOARDS on clothing.

6. Although applicant claims a first use in commerce date of March 3, 1999, for use of the mark ALLIANCE SKATEBOARDS in connection with “clothing, namely, t-shirts, sweat shirts, caps, and shoes,” upon information and belief Applicant did not use the mark ALLIANCE

SKATEBOARDS in commerce on shoes until after 2004 and Applicant has never used the mark ALLIANCE SKATEBOARDS in commerce on clothing.

7. The mark that Applicant seeks to register is similar in sound, meaning and commercial impression to Opposer's ALLYANCE trademark and will be used on goods identical to those for which Opposer uses its ALLYANCE trademark. Based on the similarity of the marks and the identity of the goods, the public is likely to associate the goods sold/services offered by Applicant under the mark ALLIANCE SKATEBOARDS with Opposer or with Opposer's goods, or to believe that Applicant's goods are sponsored, endorsed or licensed by Opposer, or that there is some relationship between Applicant and Opposer.

8. For the above reasons, any use of the mark ALLIANCE SKATEBOARDS by Applicant on clothing, t-shirts, sweat shirts, caps, or shoes is likely to cause confusion, cause mistake or deceive the public, and cause the public to believe that the goods sold under the ALLIANCE SKATEBOARDS mark emanate from or are otherwise sponsored by or endorsed by Opposer, in violation of Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d).

By reason of the foregoing, Opposer will be damaged by the registration of the mark ALLIANCE SKATEBOARDS to Applicant.

WHEREFORE, it is respectfully requested that this opposition be sustained and that the registration sought by Application Serial No. 78/688,445 be denied.

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It is requested that Opposer's attorneys' Deposit Account No. 19-0145 be charged with the Opposition fee in the amount of \$300.00 for one class.

Dated: New York, New York
April 11, 2008

Respectfully submitted,

SATTERLEE STEPHENS BURKE & BURKE LLP

By: 

Mario Aieta

Attorneys for Opposer
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Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2008-04-11 13:36:06 ET

Serial Number: 78299850 Assignment Information Trademark Document Retrieval

Registration Number: 3026496

Mark (words only): ALLYANCE

Standard Character claim: No

Current Status: Registered.

Date of Status: 2005-12-13

Filing Date: 2003-09-12

Transformed into a National Application: No

Registration Date: 2005-12-13

Register: Principal

Law Office Assigned: LAW OFFICE 106

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2005-12-13

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. ALPHA 6 DISTRIBUTIONS, LLC

Address:

ALPHA 6 DISTRIBUTIONS, LLC
8 HAVEN AVENUE SUITE 226
PORT WASHINGTON, NY 11050
United States

Legal Entity Type: Ltd Liab Co

State or Country Where Organized: New York

GOODS AND/OR SERVICES

International Class: 025

Class Status: Active

MEN'S, WOMEN'S AND CHILDREN'S CLOTHING AND APPAREL, NAMELY, SKI JACKETS, ONE-PIECE SKI SUITS, SKI PANTS; SWEATERS, HATS, SHORTS, PANTS, T-SHIRTS, KNIT SHIRTS, INSULATED BOMBER JACKETS, PARKAS, UNFILLED SHELL JACKETS, DOWN-FILLED JACKETS, INSULATED PANTS AND SHELL PANTS; NAMELY, DOWN-FILLED JACKETS AND POLYESTER-FILLED JACKETS; SKIWEAR, NAMELY, BOOTS, GLOVES AND

EXHIBIT 1

HEADWEAR; INCLEMENT WEATHER AND SKI APPAREL, NAMELY, JACKETS, PANTS, BIB OVERALLS AND SHIRTS; SHORTS; SWIMWEAR

Basis: 1(a)

First Use Date: 2004-01-00

First Use in Commerce Date: 2004-01-00

International Class: 028

Class Status: Active

SURFBOARD BAGS, SNOWBOARD BAGS

Basis: 1(a)

First Use Date: 2004-01-00

First Use in Commerce Date: 2004-01-00

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2005-12-13 - Registered - Principal Register

2005-09-20 - Published for opposition

2005-08-31 - Notice of publication

2005-06-06 - Law Office Publication Review Completed

2005-05-27 - Approved for Pub - Principal Register (Initial exam)

2005-04-13 - Amendment From Applicant Entered

2005-04-04 - Communication received from applicant

2005-04-04 - PAPER RECEIVED

2005-01-07 - Assigned To Examiner

2004-09-30 - Final refusal e-mailed

2004-09-30 - Final Refusal Written

2004-09-30 - Amendment From Applicant Entered

2004-09-27 - Communication received from applicant

2004-09-30 - Assigned To LIE

2004-09-27 - TEAS Response to Office Action Received

2004-08-03 - NON-FINAL ACTION E-MAILED

2004-05-20 - Amendment to Use approved

2004-02-09 - Amendment to Use filed

2004-02-09 - Communication received from applicant

2004-04-01 - Non-final action mailed

2004-03-22 - Assigned To Examiner

2004-02-09 - TEAS Amendment of Use Received

ATTORNEY/CORRESPONDENT INFORMATION

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